

REMARKS

Please amend the claims as provided in this Preliminary Amendment.

Claims 1-20 are pending in this application.

In the Final Office Action dated April 7, 2003 (and maintained in the Advisory Action Dated 06/27/03), the Examiner rejected claims 1-7, 10-15, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,966,665 (*Taki*) in view of U.S. Patent No. 4,654,859 (*Kung*). In light of the amendments and arguments provided in this Preliminary Amendment, Applicant respectfully traverses this rejection.

In the Advisory Action dated June 27, 2003 and the Final Office Action dated April 7, 2003, the Examiner maintained that *Taki* disclosed all subject matter of claims 1 and 11 (as amended in the Preliminary Amendment) except using a voltage controlled oscillator (VCO) and frequency multiplier to select the second radio frequency. Applicant respectfully disagrees. *Taki* does not disclose selecting a first time frame, selecting an initial frequency using a VCO, and multiplying the initial frequency by a frequency multiplier to select a second frequency during a time period within the first time frame, as called for by claims 1 and 11 (as amended in the Preliminary Amendment). Furthermore, *Taki* does not disclose selecting an initial frequency using a VCO, as called for by claims 1 and 11 and fully supported by the Specification. In the Advisory Action dated June 27, 2003, the Examiner suggested that the first paragraph of page 9 in the Specification provides otherwise, however, Applicant respectfully asserts that this paragraph provides that the VCO 227 may provide a carrier frequency upon which a digitized voice is modulated, thereby supporting claims 1 and 11. Therefore, contrary to the Examiner's

assertion in the Advisory Action, selecting an initial frequency using a VCO, as called for by claims 1 and 11, is supported by the Specification and is not disclosed by *Taki*.

In the system of *Taki*, a hopping counter (34) is provided that is incremented one value every time a new frequency hop phase is entered. When the value of the hopping counter reaches a predetermined maximum value, the hop number is reset to zero. The hop number of *Taki* is used as an index parameter to read hop frequency data from a hopping table 36, and the hop frequency data is output as an output signal (note col. 6, lines 26-32). However, *Taki's* system fails to teach selecting an initial frequency by a voltage controlled oscillator of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during a time period within the first time frame as defined by the independent claims of the present invention.

The Examiner uses *Kung* to provide a VCO and a frequency multiplier and states in the Advisory Action that the structure of the frequency multiplier is well known to the person in the art. However, merely adding the disclosure of a VCO and a frequency multiplier to *Taki* does not provide selecting an initial frequency using a VCO (as called for by claims 1 and 11), nor does the combination (of *Taki* and *Kung*) provide selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called for by claims 1 and 11 (as amended in the Preliminary Amendment). In other words, *Taki* is missing more than the mere elements of a VCO and frequency multiplication, which is provided by *Kung*.

Kung does not provide the selecting and initial frequency using a VCO. *Kung* also does not provide a second frequency by multiplying the initial frequency during a time period within

the first frame. **Kung** discloses a channel hopping system that provides a VCO output that is divided (not multiplied) by factor (M) to produce an input reference frequency for a phase locked loop (see col. 3, lines 28-34, Figure 1). The mere mention of multiplying a frequency in **Kung** does not disclose multiplying an initial frequency to produce a second frequency during a first time frame, as called for by claims 1 and 11. Therefore, contrary to the Examiner's assertions in the Advisory Action, **Kung** teaches away from the multiplying of the initial frequency, as called for by claims 1 and 11. Neither **Taki**, **Kung**, nor their combination disclose, teach, or obviate selecting an initial frequency using a VCO, nor does the combination provide selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called for by claims 1 and 11 (as amended in the Preliminary Amendment). Therefore, claims 1 and 11 are allowable for at least the reasons cited above.

Independent claims 1 and 11 are allowable for at least the reasons provided in the Preliminary Amendment. Dependent claims 2-10 and 12-20, which depend from independent claims 1 and 11, respectively, are also allowable for at least the reasons cited above.

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over **Taki** in view of **Kung**, and further in view of U.S. Patent No. 5,590,410 (**Deutsch**). Applicant respectfully traverses this rejection.

Applicant respectfully submits that claim 20 either directly or indirectly depends from independent claim 11 of the present invention. As described above, **Taki** does not disclose selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called

for by claim 11. Also, as described above, *Kung* does not provide these elements in claim 11, and thereby in claim 20, which are not provided by *Taki*. Adding the disclosure of *Deutsch*, which the Examiner cites for providing an external telephone circuit as the PSTN, does not make up for this deficit. In other words, even adding the disclosures of *Kung* and *Deutsch* to *Taki* would still not provide all of the elements of claim 20. Therefore, for at least the reasons cited above, claim 20 is allowable.

Applicant further notes and appreciates the Examiner's indication that claims 8, 9, 16, and 17 of the present invention include allowable subject matter.

In light of the arguments presented above, Applicant respectfully asserts that claims 1-20 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

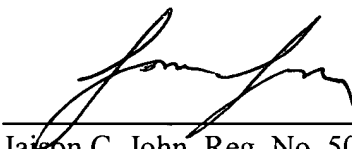
Respectfully submitted,

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PATENT TRADEMARK OFFICE



Jason C. John, Reg. No. 50,737
WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-7000
(713) 934-7011 (facsimile)
ATTORNEY FOR APPLICANT(S)